

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

DAVID GRIMES,

Case No. 1:15-cv-01764-SB

Plaintiff,

ORDER

v.

NANCY A. BERRYHILL, Acting
Commissioner of Social Security,

Defendant.

BECKERMAN, Magistrate Judge:

Plaintiff's counsel moves for attorney's fees in the amount of \$20,929.02, pursuant to 42 U.S.C. § 406(b). This figure represents roughly 23 percent of Plaintiff's retroactive benefits. Defendant does not object to Plaintiff's counsel's request and "defers to the Court's assessment," but Defendant does note that the request produces a "high hourly rate . . . of \$1,108.36 per hour." (ECF No. 31 at 2.)

The Court has reviewed the record in this case, the fee request, and the supporting materials, including the award of benefits, counsel's fee agreement, and the itemization of counsel's hours and services. Applying the standards set by *Gisbrecht v. Barnhart*, 535 U.S. 789, 807 (2002), the Court finds that the requested fees are reasonable. *See also Quinn v. Comm'r*,

No. 12-1133-SI, 2013 WL 5786988, at *4 (D. Or. Oct. 28, 2013) (approving *de facto* hourly rate of \$1,240 for attorney time).

Accordingly, the Court GRANTS Plaintiff's motion for attorney's fees (ECF No. 30). Plaintiff's counsel is entitled to \$20,929.02 in § 406(b) fees, representing roughly 23 percent of Plaintiff's retroactive benefits recovery. When issuing the § 406(b) check for payment to Plaintiff's counsel, the Commissioner is directed to subtract the \$3,470.77 previously awarded under the Equal Access to Justice Act and send Plaintiff's counsel the balance of \$17,458.25, less any applicable administrative assessment that is allowed by statute.

IT IS SO ORDERED.

DATED this 23rd day of February, 2018.



STACIE F. BECKERMAN
United States Magistrate Judge